

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT ETCHES et al.
Title: Chimeric and Transgenic Birds From Embryonic Stem Cells
Serial No. Not Yet Assigned
Filing Date: Herewith

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**PETITION PURSUANT TO 37 C.F.R. 1.84(a)(2) FOR LEAVE TO
INCLUDE COLOR DRAWINGS IN THE SPECIFICATION OF
A PATENT APPLICATION**

Sir:

This is a petition pursuant to 37 C.F.R. 1.84(a)(2) regarding color drawings in a patent application. Figures 1-5, 7, 13-18, 20 and 23 of the application transmitted herewith, entitled "Chimeric and Transgenic Birds From Embryonic Stem Cells" are color images that must be compared to black and white versions to show fluorescence by exogenous proteins in the somatic tissue of chicken birds. The fluorescence demonstrates transmittal of genetic information from an embryonic stem cell culture to a living animal. The best black and white copies do not demonstrate the existence of the exogenous protein in vivo. Copies of both a black and white and a color version are transmitted with the application.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EV 051628545 US
Express Mail Label No.

February 1, 2002
Date of Deposit
OC-102732.1

Lynne Fulmer
Name of Person Mailing Paper


Signature of Person Mailing Paper

The Commissioner is authorized to charge Deposit Account No. 12-2475 for the appropriate fee of \$130.00 as set forth in section 1.17 (i). A copy of this Petition is enclosed for this purpose.

If there is any problem with this application and it appears that a telephone conference with counsel will helpfully advance prosecution, please telephone the undersigned in Irvine, CA 949/567-2300, ext. 1124.

Respectfully Submitted,

LYON & LYON LLP

Dated: February 1, 2002

By



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Fig 1

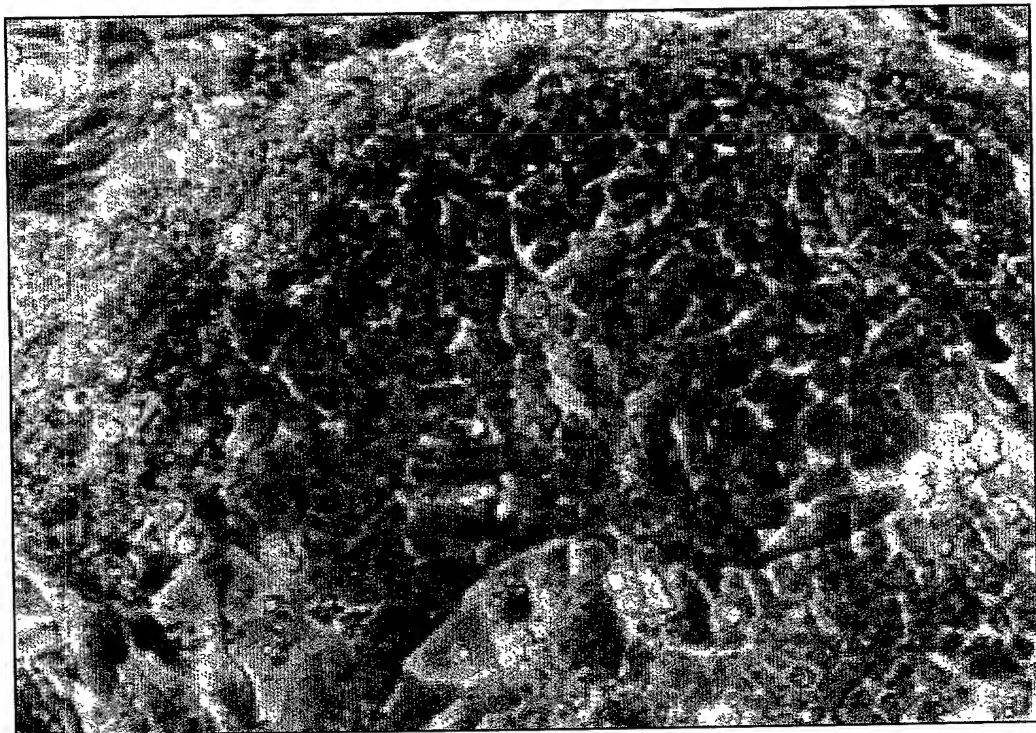
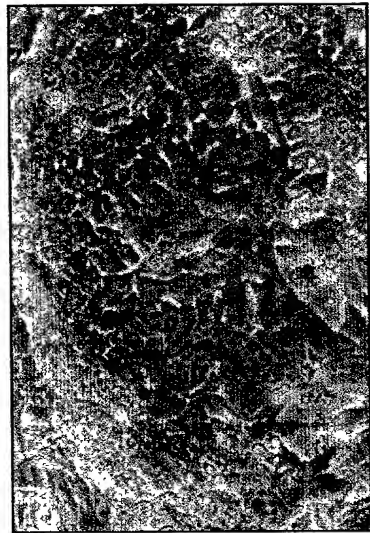


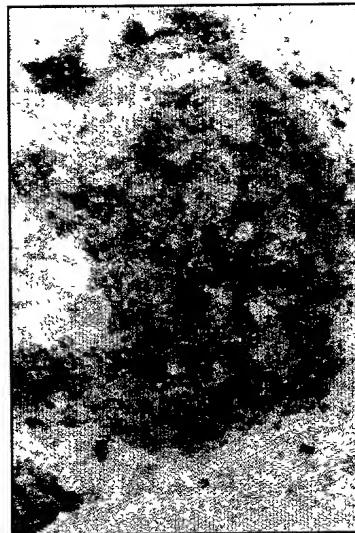
Fig 2



Phase



EMA-1



SSEA-1



AP

Fig.3



Origen ES Cells
Harvest#1, sample:
7-05-01
Delany Laboratory -
UC Davis

Fig 4



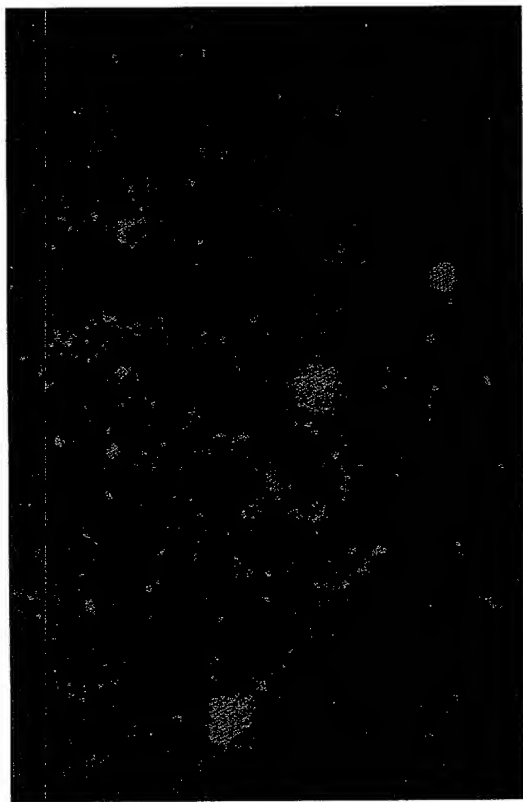


Fig 5

10067143.020102

Fig 7

ES cells expressing EGFP



Same field under phase

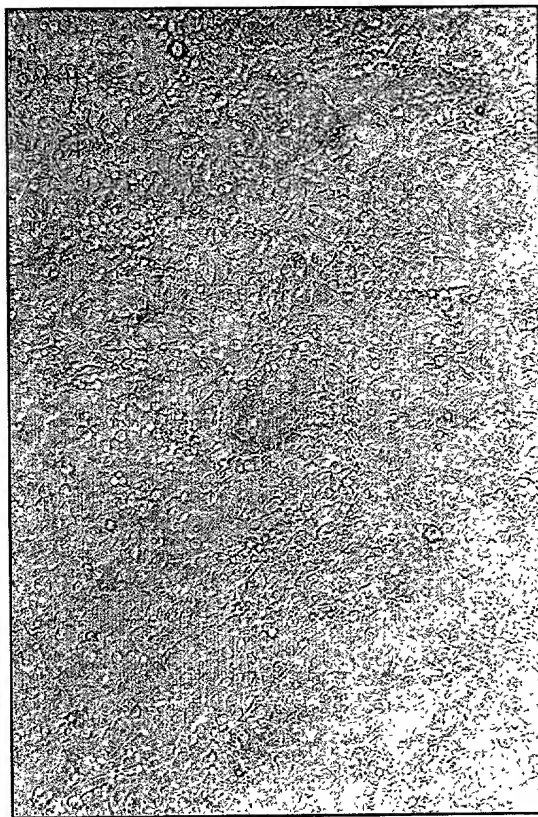


Fig 13



Fig 14

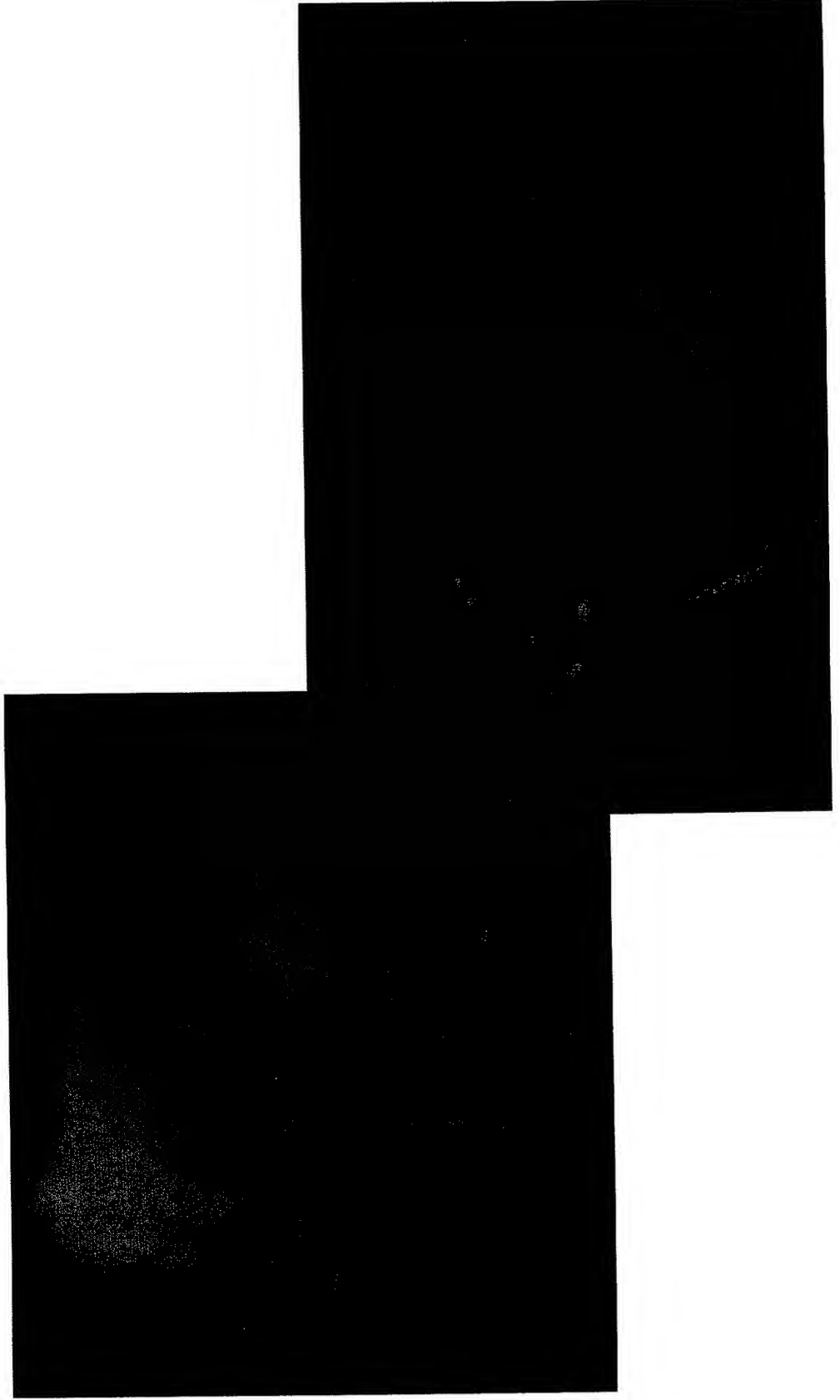


Fig 15

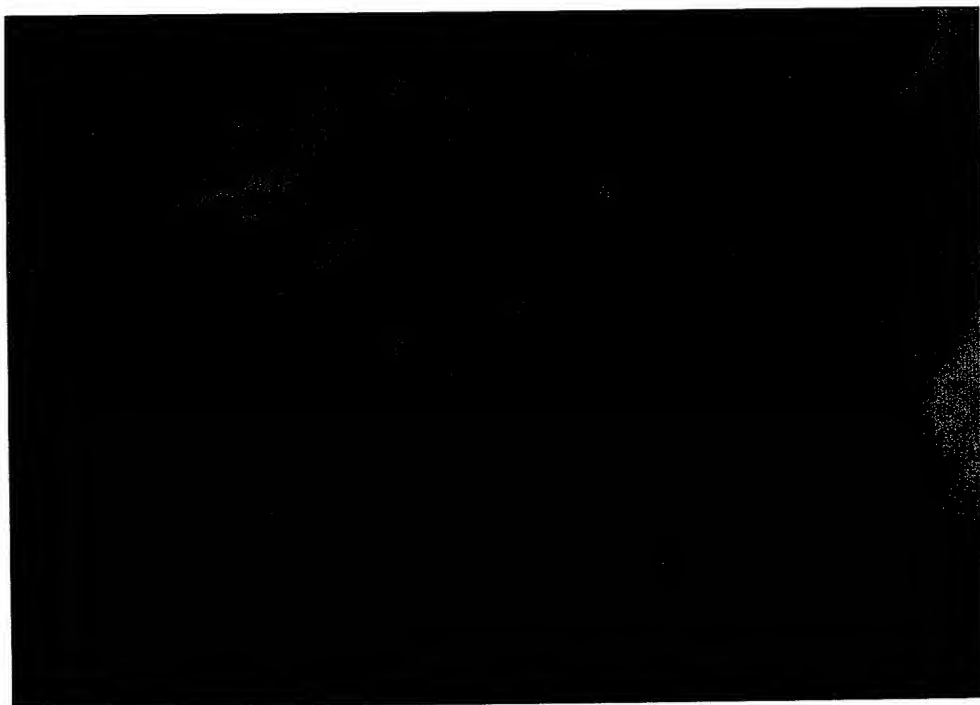


Fig 16

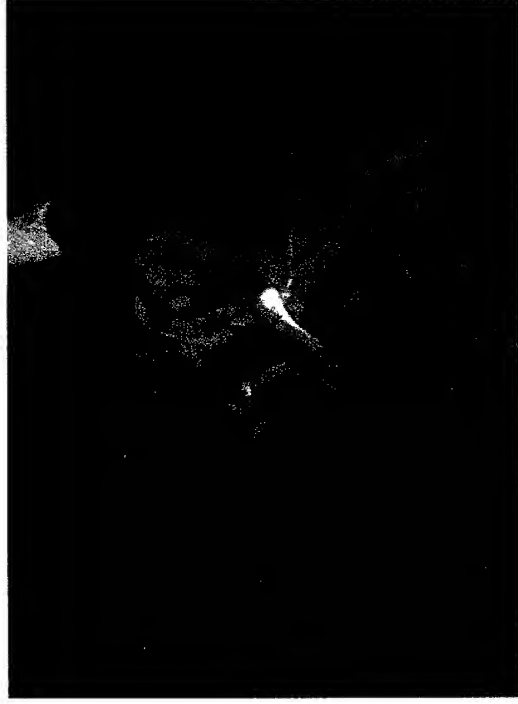


Fig 17

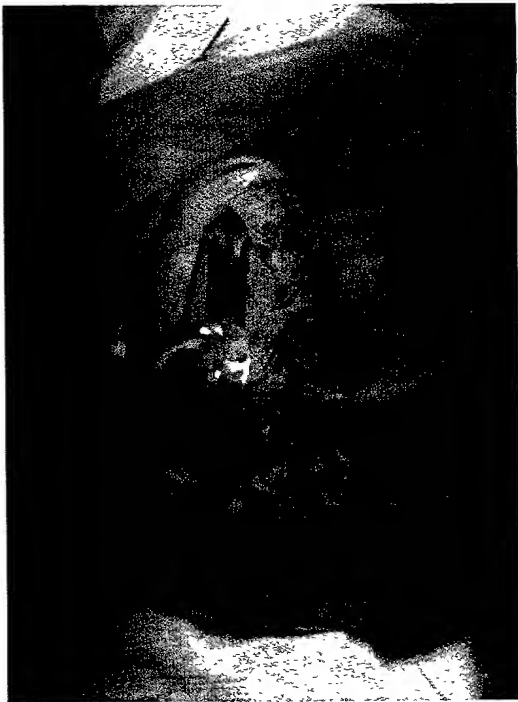
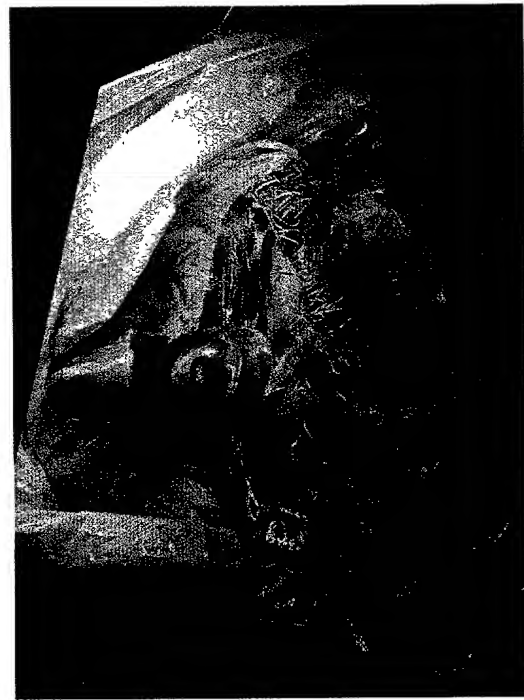




Fig 18

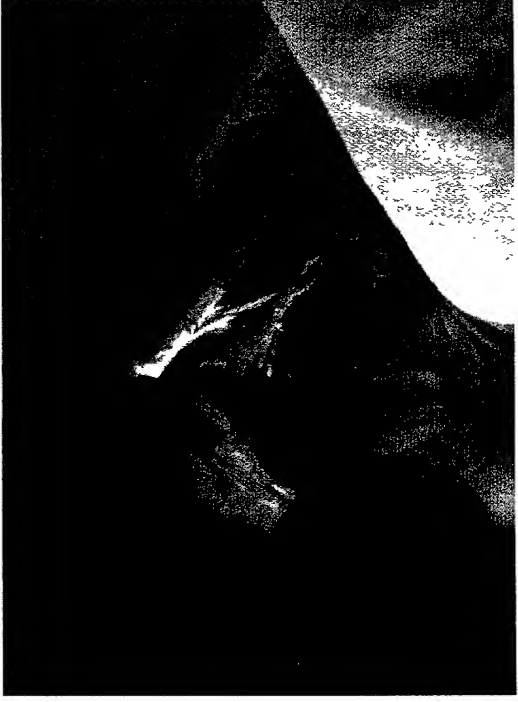
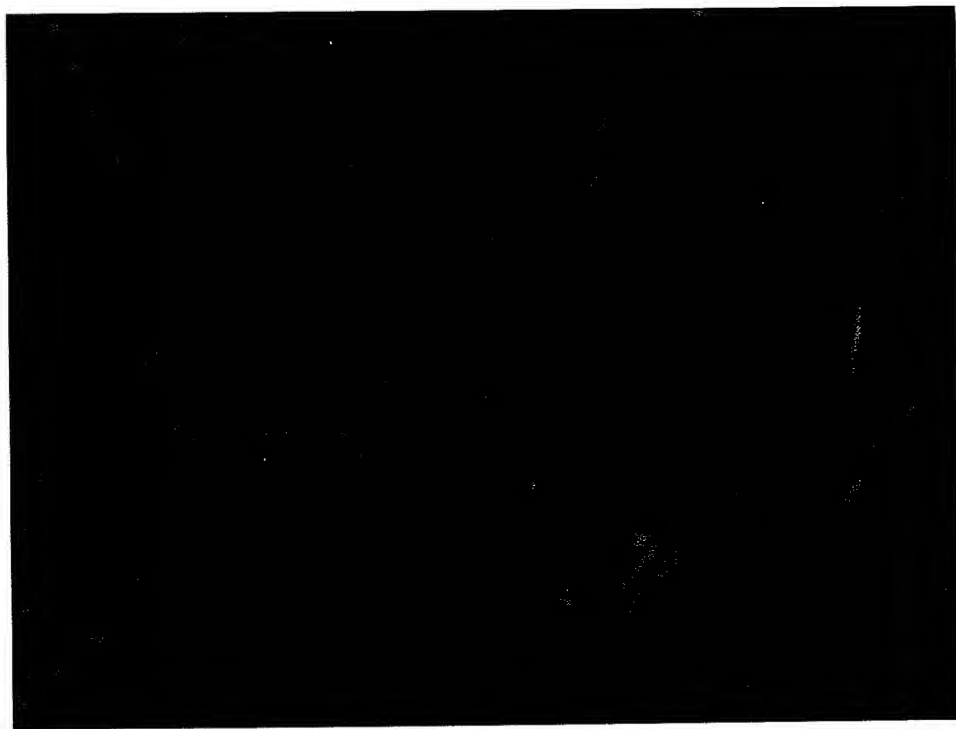
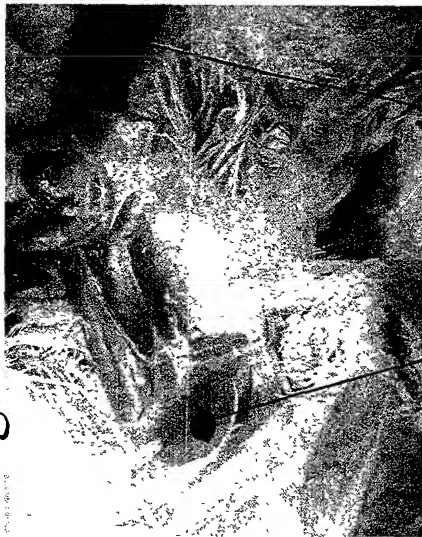


Fig 20



Light Illumination



UV Illumination

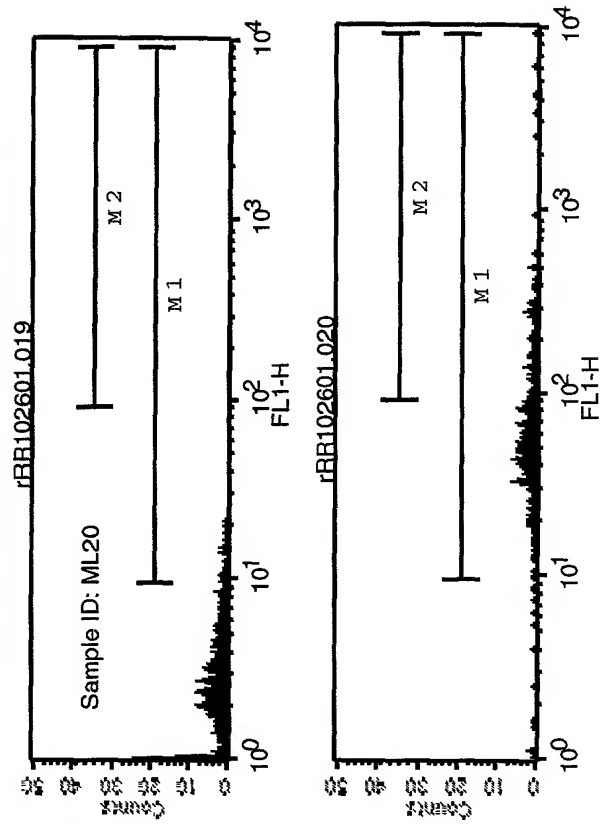
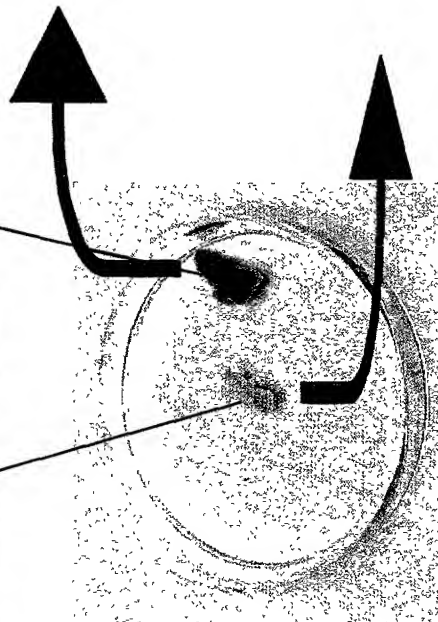
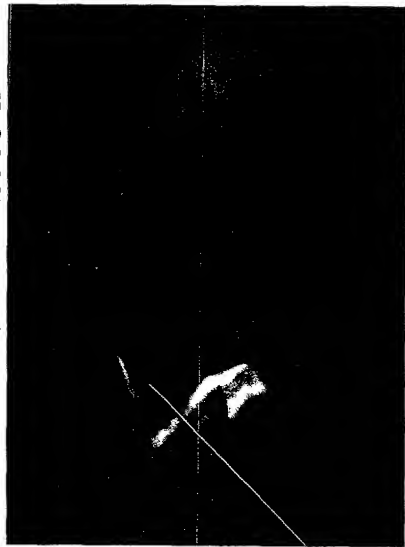


Fig 23